

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT FENSTERMACHER,
Plaintiff

: **No. 4:25cv27**
 :
 :
 : **(Judge Munley)**
 :
 :
 : **(Chief Magistrate Judge Bloom)**

V.

JOSHUA SHAPIRO, et al.,
Defendants

ORDER

AND NOW, to wit, this 10 day of April 2025, before the court for disposition is Chief Magistrate Judge Daryl F. Bloom's report and recommendation, which proposes the dismissal of plaintiff's civil rights complaint. (Doc. 8). No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. Accordingly, it is hereby **ORDERED** as follows:

- 1) The report and recommendation (Doc. 8) is **ADOPTED**;
- 2) The plaintiff's complaint (Doc. 1) is **DISMISSED** without prejudice to the plaintiff endeavoring to correct the defects cited in the report and

recommendation within twenty (20) days of this dismissal order by filing an appropriate amended complaint; and

3) The Clerk of Court is directed to close this case. The case shall be reopened if plaintiff files a timely amended complaint. Otherwise, the dismissal will convert to a dismissal with prejudice.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court